

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

AARON MULVEY and
CAROLYN MULVEY,

Plaintiffs,

v.

LIQUID PROPERTY GROUP, LLC,
JOHN MICHAEL TIFFIN, and
TINA ANDERSON,

Defendants.

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SA-21-CV-1210-HJB

ORDER

Before the Court are the following motions pending in the above case: Defendants' Motion for Entry of Final Judgment (Docket Entry 97); Plaintiffs' Motion to Enter Judgment on the Jury Verdict in Part and to Enter Judgment as a Matter of Law in Part (Docket Entry 98); and the motion of Defendant Liquid Property Group, LLC ("LPG") to Expunge Lis Pendens (Docket Entry 101). The Court exercises jurisdiction in this case by consent of the parties pursuant to 28 U.S.C. § 636(c). (*See* Docket Entry 27.)

The Court held a status conference in this case on February 24, 2023. In accordance with the Court's rulings at the conference, it is hereby **ORDERED** as follows:

- (1) Defendants' Motion for Entry of Final Judgment (Docket Entry 97) is **GRANTED IN PART** and **DENIED IN PART**. Defendants are entitled to a take nothing judgment on all Plaintiffs' claims, and Defendant LPG is entitled to attorney's fees in the amount awarded by the jury as the prevailing party on Plaintiffs' contract claims against it. Defendant LPG's oral request for an award of the earnest money under the contract is **DENIED**.

(2) Plaintiffs' Motion to Enter Judgement on the Jury Verdict in Part and to Enter Judgment as a Matter of Law in Part (Docket Entry 98) is **DENIED IN PART** and **DENIED WITHOUT PREJUDICE IN PART**. The motion is **DENIED** as to all Plaintiffs' affirmative claims against Defendants. It is **DENIED WITHOUT PREJUDICE** as to Defendant LPG's counterclaim against Plaintiffs for breach of contract; as to that claim, Plaintiffs are prevailing parties and are entitled to attorney's fees in the amount awarded by the jury. Accordingly, Plaintiffs are entitled to judgment as to those fees, and may reurge the matter by motion if necessary.

(3) Defendant LPG's Motion to Expunge Lis Pendens (Docket Entry 101) is **GRANTED IN PART** and **DENIED IN PART**. The motion is **GRANTED** as to the Lis Pendens filed in conjunction with the federal case pending before this Court; it is **DENIED** as to the Lis Pendens filed in conjunction with parties' separate state lawsuit.

(4) **On or before March 24, 2023**, the parties must submit a Proposed Judgment, agreed as to form, reflecting the jury's verdicts and the Court's rulings. Submission of the proposed judgment waives no claim or right previously preserved by the parties.

SIGNED on February 24, 2023.


Henry J. Bemporad
United States Magistrate Judge